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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,030	03/25/2004	Lori Greiner	47636.39.2	5806

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/809,030	Applicant(s) GREINER, LORI	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 15,16,52-56 and 63-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,17-51 and 57-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Election/Restrictions

2. Claims 15-16, 52-56, and 63-75 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/20/2005.

3. Applicant's election with traverse of Species I in the reply filed on 12/20/2005 is acknowledged. The traversal is on the ground(s) that "no serious burden on the Examiner exists". This is not found persuasive because the field of search for Species I is not required for either Species II or II, and vice versa.

The requirement is still deemed proper and is therefore made FINAL.

4. Applicant's election with traverse of Species I in the reply filed on 12/20/2005 is acknowledged.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 10, 12, 17-20, 22, 25, 27, 42, 44, 47, 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,681,100 to Powell.

Powell discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand configured to receive the jewelry cabinet to hold the jewelry cabinet in an upright position so that the back wall of the jewelry cabinet forms an angle α from the horizontal, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle θ of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches attached to one of an interior surface of the box frame and the door.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 7-8, 11, 13-14, 21, 23, 26, 28-32, 34-41, 45, 48-51, and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations

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on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers therein in order to provide various size receptacles for holding articles of different sizes. In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious

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and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry.

10. Claims 9, 24, 33, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claims 1, 17, 30, and 42 above, and further in view of USP 4,282,975 to Ovadia.

Powell, as modified, discloses all the elements as discussed above except for the bracelet bar being removably attached to the interior surface of the door by at least one magnet.

Ovadia teaches that it is well known in the art to provide a plurality of jewelry storage elements with magnets in order to allow the jewelry storage elements to be used in more creative presentations. Therefore, it would have been obvious to modify the structure of Powell, as modified, by having the bracelet bar being removably attached to the interior surface of the door by at least one magnet in order to allow the bracelet bar to be used in more creative presentations, as taught by Ovadia, since both teach alternate conventional jewelry storage elements, used for the same intended purpose, thereby providing structure as claimed.

11. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of WO 99/00005 to Greiner.

Powell discloses all the elements as discussed above except for the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar.

Greiner teaches the idea of a jewelry storage cabinet comprising a bracelet bar 200 attached thereto, wherein the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar. Therefore, it would have been obvious to modify the structure of Powell by having the mounting element being attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar, as taught by Greiner, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kardy, Ellingsworth et al, Battista, Pichowicz, and Wolff all show structures similar to various elements of applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

February 6, 2006


Hanh V. Tran
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